

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

KEVIN CLARKE, in his individual capacity,
TREVOR BOECKMANN, in his individual
capacity, HARRY CRANE, in his individual
capacity, CORWIN SMIDT, in his individual
capacity, PREDICT IT, INC., a Delaware
corporation, and ARISTOTLE
INTERNATIONAL, INC., a Delaware
corporation, MICHAEL BEELER, in his
individual capacity, MARK BORGHI, in his
individual capacity, RICHARD HANANIA,
in his individual capacity, JAMES D.
MILLER, in his individual capacity, JOSIAH
NEELEY, in his individual capacity, GRANT
SCHNEIDER, in his individual capacity, and
WES SHEPHERD, in his individual capacity,

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

Case No. 1:22-cv-00909

DECLARATION OF KEVIN CLARKE

I, Kevin Clarke, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the following is true and correct, and that I am competent to testify to the matters stated herein:

1. My name is Kevin A. Clarke. I am a resident of Austin, Texas, where I am the owner of Clarke Mineral Estate and Geosciences, LLC, and an Assistant Coach for the University of Texas at Austin's Policy Debate Team.
2. I have personal knowledge of the facts stated herein.
3. I have traded on the PredictIt Market for two years.
4. My participation in the PredictIt Market is unique, even rare, because of the

distribution of my investments. I am one of the few investors nationwide that participates in nearly all of the markets that PredictIt offers. Moreover, unlike most traders, my portfolio has investments in all the markets closing after February 15, 2023. Each of these investments has been directly threatened by the Commodity Futures Trading Commission's ("CFTC's") decision to revoke the no-action relief for the Market.

5. My unique portfolio on the PredictIt Market makes me well-situated to document the Market distortions that the CFTC's Revocation is causing and will continue to cause. I have documented these distortions since the CFTC's decision in August.

6. My participation in the PredictIt Market is also unique because of my background as a policy debate coach. Although the lawsuit refers to me as an investor, my engagement with PredictIt has always been an offshoot from my work coaching debate. Debate competitors must keep up with the day-to-day events in politics to be successful. PredictIt is an invaluable tool in this regard because it facilitates political engagement, enhances the quality of public discourse through the cultivation of civic literacy, and provides a mechanism to test the veracity of sources, methods, and mediums.

7. In my capacity as a policy debate coach, I've observed several teams using PredictIt data in their evidence sets and pre-season files. These include programs at the University of Michigan, Emory University, Wake Forest University, the University of Texas, Dartmouth University, Northwestern University, the University of California at Berkeley, and Georgetown University.

8. Prediction markets serve two roles in policy debate. First, they function as evidence that substantiates claims regarding outcome of elections, cabinet confirmations, and other political events. For example, there are many variations of an argument known as the "Politics Disadvantage," which has become a staple argument in policy debate. PredictIt data has been incorporated as evidence to argue about the effects of a particular course of action on the midterms,

political capital, bipartisanship, and so forth. Second, prediction markets provide a heuristic from which to assess the viability of an argument as it is being developed. PredictIt enables debaters to discover or quickly learn the state of affairs for a political event. In the modern era, marked by an overabundance of information at our fingertips, political prediction markets serve a scorekeeping function which gives students a tangible way to digest information and reflect that into a political outcome.

9. In light of my broad holdings and my use of the Market's data in debate coaching, I regularly monitor the comment discussions of other traders on the PredictIt site. One consistent recent topic has been the uncertainty over how the markets will be liquidated. This uncertainty has caused countless traders to exit the site. For example, on Monday, in just a fifteen-minute span of time, I have observed several prominent traders comment that they plan to end their participation in markets after the conclusion of the Georgia runoff election, citing the CFTC's liquidation requirement.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 8, 2022

/s/ Kevin Clarke
Kevin Clarke